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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,049	11/14/2000	Miodrag Novakovic	00664/TL	2881

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,049

Applicant(s)

MIODRAG NOVAKOVIC

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claims 4, 6, and 7, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 7, 13, rejected under 35 U.S.C. 102(b) as being unpatentable by Vestrella et al. (0145675).

Vestrella et al. discloses a covering panel, particularly for a floor, characterized in that it comprises a plurality of tiles individually attached to a supporting plate having the dimensions of the panel (figure 1), and juxtaposed on the latter in such a way that when aligned in the same plane (figure 1), the adjacent tiles are in contact with one another along their edges, and in that the supporting plate is made of a flexible material that is

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elastically compressible in the direction of its thickness (figure 1, 11a,11b,11c).

Vestrella et al. discloses a panel characterized in that the tiles are attached on the supporting plate in such a way that their edges are aligned (figure 1, 11a,11b,11c) .

Vestrealla et al. discloses a panel characterized in that the supporting plate is advantageously a plate made of foam or cork (pg 4 lines 7-8). Vestrealla et al. discloses a panel characterized in that the tiles are attached on the flexible supporting plate by adhesive bonding (pg 4 lines 7-9). Vestrealla et al. discloses a contiguous juxtaposition of panels on a laying surface (figure 1, 11a,11b,11c) .

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-5, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vestrella et al. in view of Cole (5927034).

Vestrella et al. discloses a panel described above. Vestrella et al. discloses a covering plate with low flexural strength such as a plate of tile (pg 4 line 7). Vestrella et al. fails to disclose that the tile comprises an upper covering plate and at least one lower rigid supporting plate, made of a material with high flexural strength and on which the upper plate is attached. Vestrella et al. fails to disclose that the lower supporting plate of a tile is a plate such as a plate of sheet metal, stainless steel, wood, wood composite or another composite material. Cole teaches that the tile comprises an upper covering

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plate and at least one lower rigid supporting plate, made of a material with high flexural strength and on which the upper plate is attached for the purpose of securing to a building surface such as a floor as shown by Cole (col. 4 lines 44-45). Cole teaches that the lower supporting plate of a tile is a plate such as a plate of sheet metal, stainless steel, wood, wood composite or another composite material for the purpose of obtaining a resilient backing layer as taught by Cole (col. 4 lines 43, 57-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Vestrella et al. with an upper covering plate and at least one lower rigid supporting plate, made of a material with high flexural strength and on which the upper plate is attached for the purpose of securing to a building surface such as a floor (col. 4 lines 44-45). It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Vestrella et al. with the lower supporting plate of a tile of sheet metal, stainless steel, wood, wood composite or another composite material for the purpose of obtaining a resilient backing layer (col. 4 lines 43, 57-58).

As to claim 8, Vestrella et al. discloses a panel characterized in that the individual mounting of the tiles are on the flexible supporting plate. The compressibility of the flexible supporting plate constitutes means of compensating for irregularities or flatness defects of the surface on which the panels are laid is inherently known. Vestrella et al. teaches that the tiles are on the flexible supporting plate therefore; it is inherent that the tiles are formed to the flexible supporting plate thus, to compensate for irregularities or flatness defects of the surface.

As to claims 9 and 10, Vestrella et al. and Cole discloses a panel as described above. It is inherent, that the panel obtains a degree of flexibility and rigidity. Since Vestrella et al. discloses the same supporting plate desired by the applicant, it is inherent that the supporting plate is flexible so as to allow the panel to fold along the lines of alignment of the edges of the tiles.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vestrella et al. in view of Cole and in further view of Owens (4931331).

Vestrella et al. and Cole discloses a panel as described above. Vestrella et al. and Cole fail to disclose that the tile is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate. Owens teaches a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) for the purpose of enabling a relatively unskilled individual to install in by himself (col. 3 lines 58-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Vestrella et al. and Cole with a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid

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plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) in order to enable a relatively unskilled individual to install in by himself (col. 3 lines 58-59) as taught by Owens.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee  
March 7, 2002

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 3/9/02